

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

TITBALL et al

Serial No. ^{09/989,130} ~~08/894,527~~

Filed: November 21, 2001

For: PHARMACEUTICALS AND ASSAYS USING ENZYME SUBUNITS

Atty. Ref.: 3974-3

Group: 1632

Examiner: CHEN

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February 27, 2003

Assistant Commissioner for Patents
Washington, DC 20231

Sir:

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REQUEST

The Office is requested to issue a new Office Action in place of the Office Action dated January 27, 2003 (Paper No. 4), and reset the date for responding from the mailing of the new Action, as the Office Action of January 27, 2003, contains errors which make it impossible for the applicants to respond to the Office Action of January 27, 2003. Specifically, the Examiner has indicated that the pending claims (i.e., claims 32-38) define five allegedly separately patentable inventions based on the Examiner's belief that the claimed pharmaceutical composition comprises a pharmaceutical agent which is, alternatively, a nucleic acid (Group I), a protein (Group II), an antibody (Group III), an oligonucleotide (Group IV) or an organic compound other than nucleic acid, antibody, protein or oligonucleotide (Group V). The claims however comprise an antibody conjugated to a lipase able to lyse liposomes or lipase component having no or less lipase

activity in comparison to a corresponding lipase holoenzyme. The claimed pharmaceutical composition may also optionally contain a pharmaceutically acceptable carrier, diluent or excipient. The lipase component of the claims is selected from a group consisting of N-terminal recombinant CPAT and C-terminal recombinant CPAT. The claims further define a pharmaceutical package containing the recited elements. The claimed pharmaceutical composition therefore does not recite the alternative inclusion of elements indicated by the Examiner as a basis for requiring an election. The Office Action of January 27, 2003, therefore is erroneous in this regard and the applicants are unable to respond to the same. A new Action is requested which reflects the claimed subject matter.

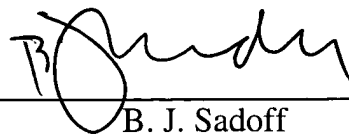
The applicants submit the claimed invention defines a single invention and an Action on the merits is requested.

In any event, as the applicants are unable to respond to the Office Action of January 27, 2003, a new Action is requested wherein the date for response is reset from the mailing of the new Action.

Respectfully submitted,

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By: _____



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